- 1	- 11		
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7	BEFORE 7	THE	
8	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS		
9	STATE OF CALIFORNIA		
10			
11	In the Matter of the Accusation Against: Ca	se No. 2013-197	
12	DOUGLAS LEE CHEATHAM		
13	1.0. Box 21.02	CCUSATION	
	Bullhead City, AZ 86439		
14	Registered Nurse License No. 478863		
15	Nurse Anesthetist Certificate No. 1877		
16	Respondent.	•	
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18	Complainant alleges:		
19	<u>PARTIES</u>		
20	1. Louise R. Bailey, M.Ed., RN ("Complain	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her	
21	official capacity as the Executive Officer of the Board of Registered Nursing, Department of		
22	Consumer Affairs.		
23	2. On or about May 31, 1992, the Board of Reg.	istered Nursing issued Registered Nurse	
24	License Number 478863 to Douglas Lee Cheatham ("Respondent"). The Registered Nurse		
25	License expired on May 31, 2002, and has not been a	renewed. On or about May 22, 1992, the	
26	Board of Registered Nursing issued Nurse Anesthetist Certificate No. 1877 to Respondent. The		
27	Nurse Anesthetist Certificate expired on May 31, 2002, and has not been renewed.		
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## JURISDICTION AND STATUTORY PROVISIONS

- 3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section—references are to the Business and Professions Code ("Code") unless otherwise indicated.
- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
- 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.
  - 7. California Code of Regulations, title 16, section 1419.3 states:
  - "In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.
  - (a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.
  - (b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."
  - 8. Section 2761 of the Code states, in pertinent part:
  - "The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

1	(a) Unprofessional conduct, which includes, but is not limited to, the following:	
2		
-3-	(4) Denial of licensure, revocation, suspension, restriction, or any other	
4	disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision	
5	or judgment shall be conclusive evidence of that action."	
6	9. Section 2762 of the Code states:	
7 8	"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:	
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10	(b) Use any controlled substance as defined in Division 10 (commencing	
11	with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or	
12	in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license."	
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14	<u>COST RECOVERY</u>	
15	10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the	
16	administrative law judge to direct a licentiate found to have committed a violation or violations of	
17	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and	
18	enforcement of the case.	
10	FIRST CAUSE FOR DISCIPLINE	
ľ	(Disciplinary Action by the Arizona State Board of Nursing)	
20 21	11. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of	
22	the Code in that the Arizona State Board of Nursing ("Arizona Board") took disciplinary action	
23	against Respondent's professional nurse license and certified registered nurse anesthetist	
24	certificate, as follows:	
25	12. On or about August 31, 2005, the Arizona Board issued an order accepting the	
26	voluntary surrender of Respondent's professional nurse license and certified registered nurse	
27	anesthetist certificate in the disciplinary matter entitled In the Matter of Professional Nurse	
28	License No. RN026404 and Certified Registered Nurse Anesthetist Certificate No. CRNA0263	
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 Issued to Douglas Lee Cheatham. The circumstances underlying the disciplinary action are, as follows:

- 13. On or about April 4, 2003, Respondent contacted the Arizona Board to self-report his abuse of alcohol. Respondent disclosed that he had been arrested 3 times for driving under the influence. Respondent stated that all 3 arrests resulted in misdemeanor convictions and one arrest was approximately 10 years ago. Respondent acknowledged that he had entered into an outpatient treatment as a result of his convictions.
- 14. On or about April 28, 2003, Respondent signed a Consent Agreement with the Arizona Board and entered the Chemically Addicted Nurses Diversion Option ("CANDO") program. The Consent Agreement required, in part, for Respondent to enter into and complete an intensive treatment program, aftercare, attend a nurse recovery group, attend AA/NA, abstain from unauthorized drug use, notify CANDO of any prescriptions received, submit to random drug screens, and upon return to nursing practice, abide by standard nursing practice restrictions.
- 15. On or about August 8, 2003, in a random urine drug screen, Respondent tested positive for Darvocet. Respondent acknowledged that he had received a prescription for Darvocet from his employer after Respondent complained of neck pain. When questioned by Arizona Board staff, Respondent's employer stated that he prescribed medications to his employees all the time, that it was Friday afternoon and that he did not want to take the chance that Respondent would be unable to report for work on Monday as he runs a very busy practice.
- 16. On or about December 16, 2003, in a random urine drug screen, Respondent tested positive for alcohol.
- 17. On or about December 17, 2003, Respondent was discharged from CANDO for his noncompliance with the Consent Order.

## SECOND CAUSE FOR DISCIPLINE

## (Unprofessional Conduct)

18. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the Code on the grounds of unprofessional conduct in that Respondent was arrested 3 times for driving under the influence and that he failed to comply with the Arizona Board's CANDO

1	program. The conduct is described in more particularity in paragraphs 13 through 17 above,		
2	inclusive and hereby incorporated by reference.		
-3	THIRD CAUSE FOR DISCIPLINE		
4	(Drug Related Transgressions)		
5	19. Respondent is subject to disciplinary action under section 2761, subdivision (a) as		
6	defined in section 2762, subdivision (b) of the Code in that Respondent used alcoholic beverages		
7	to an extent or in a manner dangerous or injurious to himself, others and the public. The		
8	dangerous use is described in more particularity in paragraphs 13 and 16 above, inclusive and		
9	hereby incorporated by reference.		
10	<u>PRAYER</u>		
11	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,		
12	and that following the hearing, the Board of Registered Nursing issue a decision:		
13	1. Revoking or suspending Registered Nurse License Number 478863 and Nurse Anesthetis		
14	Certificate No. 1877, issued to Douglas Lee Cheatham;		
15	2. Ordering Douglas Lee Cheatham to pay the Board of Registered Nursing the		
16	reasonable costs of the investigation and enforcement of this case, pursuant to Business and		
17	Professions Code section 125.3;		
18	3. Taking such other and further action as deemed necessary and proper.		
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22	DATED: September 20, 2012 Forcise L. Dailey LOUISE R. BAILEY, M.ED., RN		
23	Executive Officer Board of Registered Nursing		
24	Department of Consumer Affairs State of California		
25	Complainant		
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